HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.3847 of 2006

Dated:16.11.2006

Between:

Smt.Suseelamma.

…Petitioner

and

The Mandal Revenue Officer and others.

…Respondents

HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.3847 of 2006

ORDER:

The land admeasuring Ac.1.01 cent in Settiballa Village of Santhipuram Mandal in Chittoor District, was initially assigned to one Munaf Saheb. However, on an allegation that he contravened the terms of D-Form patta, the assignment was cancelled. The same was reassigned to the petitioner herein. On a complaint made by the sixth respondent, the son of Munaf Saheb, the first respondent initiated action under the provisions of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977 (for short 'the Act'), and issued a show cause notice dated 08.01.2005. The petitioner submitted explanation denying the allegation of alienation by her. The Mandal Revenue Officer then passed the impugned order dated 22.11.2005 ordering resumption for alleged violation of Section 3(2) of the Act, and directed the Mandal Revenue Inspector, Santhipuram, to resume the land. Aggrieved by this, the present Writ Petition is filed.

This Court while admitting the Writ Petition passed interim orders on 28.02.2006 suspending the impugned order. A counter affidavit is filed along with W.V.M.P.No.885 of 2006. As the matter is in a narrow compass, though interlocutory matters are listed, the Writ Petition is heard finally and is being disposed of by this order.

As seen from the counter affidavit, there is no denial of reassignment of the land to the petitioner. There is also no denial of the petitioner filing the suit, being O.S.No.1 of 2005, on the file of the Court of the Junior Civil Judge, Kuppam. There is also no denial that the petitioner still continues to be in possession. Therefore, this Court is of considered opinion that so as to protect the interest of the petitioner, she should continue to be in possession till the matter is finally decided. As the petitioner has an effective alternative remedy under Section 4-A of the Act, she is given liberty to prefer an appeal before the Revenue Divisional Officer, Madanapally, within a period of ten days from the date of receipt of a copy of this order. As and when such appeal is filed, the Revenue Divisional Officer shall decide the appeal within a period of six weeks thereafter. It is also further observed that the Revenue Divisional Officer should first decide the question whether Act 9 of 1977 is applicable to the facts of the case or not, especially, when it is admitted that the land was assigned to the petitioner after cancelling D-Form patta granted to Munaf Saheb.

The Writ Petition, with the above observations and directions, is accordingly disposed of. No costs.

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(V.V.S.RAO, J)

16.11.2006

Note: Issue C.C by 20.11.2006.

B/o.

vs